

FIRST REGULAR SESSION
[PERFECTED WITH PERFECTING AMENDMENT]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 787
97TH GENERAL ASSEMBLY

1991H.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 32.090 and 136.055, RSMo, and to enact in lieu thereof four new sections relating to the department of revenue, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 32.090 and 136.055, RSMo, are repealed and four new sections
2 enacted in lieu thereof, to be known as sections 32.090, 136.055, 302.065, and 571.500, to read
3 as follows:

32.090. 1. The department of revenue shall keep a record of each application or other
2 document filed with it and each certificate or other official document issued by it.

3 2. Except as otherwise provided by law, all records of the department of revenue are
4 public records and shall be made available to the public according to procedures established by
5 the department.

6 3. Personal information obtained by the department shall not be disclosed to any person
7 requesting such personal information except as provided in section 32.091.

8 **4. The director of the department of revenue may require applications received by**
9 **the department under chapters 301, 306 and 700, RSMo, to include the applicant's unique**
10 **identification number, which shall be treated as personal, non-public information. For the**
11 **purposes of this subsection, "identification number" means the applicant's driver's license**
12 **number, non-driver's license number, or social security number.**

136.055. 1. Any person who is selected or appointed by the state director of revenue as
2 provided in subsection 2 of this section to act as an agent of the department of revenue, whose
3 duties shall be the processing of motor vehicle title and registration transactions and the
4 collection of sales and use taxes when required under sections 144.070 and 144.440, and who

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 receives no salary from the department of revenue, shall be authorized to collect from the party
6 requiring such services additional fees as compensation in full and for all services rendered on
7 the following basis:

8 (1) For each motor vehicle or trailer registration issued, renewed or transferred--three
9 dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant
10 to section 301.147;

11 (2) For each application or transfer of title--two dollars and fifty cents;

12 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's
13 license issued for a period of three years or less--two dollars and fifty cents and five dollars for
14 licenses or instruction permits issued or renewed for a period exceeding three years;

15 (4) For each notice of lien processed--two dollars and fifty cents;

16 (5) No notary fee or other fee or additional charge shall be paid or collected except for
17 electronic telephone transmission reception--two dollars.

18 2. The director of revenue shall award fee office contracts under this section through a
19 competitive bidding process. The competitive bidding process shall give priority to
20 organizations and entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of
21 the Internal Revenue Code of 1986, as amended, and political subdivisions, including but not
22 limited to, municipalities, counties, and fire protection districts. The director of the department
23 of revenue may promulgate rules and regulations necessary to carry out the provisions of this
24 subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is
25 created under the authority delegated in this subsection shall become effective only if it complies
26 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
27 This section and chapter 536 are nonseverable and if any of the powers vested with the general
28 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
29 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
30 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

31 3. All fees collected by a tax-exempt organization may be retained and used by the
32 organization.

33 4. All fees charged shall not exceed those in this section. The fees imposed by this
34 section shall be collected by all permanent offices and all full-time or temporary offices
35 maintained by the department of revenue.

36 5. Any person acting as agent of the department of revenue for the sale and issuance of
37 registrations, licenses, and other documents related to motor vehicles shall have an insurable
38 interest in all license plates, licenses, tabs, forms and other documents held on behalf of the
39 department.

40 6. The fees authorized by this section shall not be collected by motor vehicle dealers
41 acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers
42 authorized to collect and remit sales tax under subsection 8 of section 144.070.

43 7. Notwithstanding any other provision of law to the contrary, the state auditor may audit
44 all records maintained and established by the fee office in the same manner as the auditor may
45 audit any agency of the state, and the department shall ensure that this audit requirement is a
46 necessary condition for the award of all fee office contracts. No confidential records shall be
47 divulged in such a way to reveal personally identifiable information.

48 **8. The department of revenue shall indemnify and hold harmless any fee office for**
49 **any liabilities, including attorney's fees, imposed upon such fee office in connection with**
50 **or arising out of any action, suit, or proceeding if the fee office was acting in the course of**
51 **its official duties and pursuant to state law, or department of revenue regulations or rules.**

302.065. 1. Notwithstanding section 32.090 or any other provision of law to the
2 **contrary and except for the minimum copies of source documents required by federal law**
3 **for the issuance or renewal of commercial driver's licenses and commercial driver**
4 **instruction permits, the department of revenue shall not retain copies, in any format, of**
5 **source documents presented by individuals applying for or holding driver's licenses or**
6 **nondriver's licenses. The department of revenue shall not use technology to capture digital**
7 **images of source documents so that the images are capable of being retained in electronic**
8 **storage in a transferable format.**

9 **2. The department of revenue shall not require the scanning of source documents**
10 **for the issuance of a concealed carry weapon endorsement.**

11 **3. The department of revenue shall securely destroy so as to make irretrievable any**
12 **source documents that were obtained after August 28, 2012 from driver's license or**
13 **nondriver's license applicants.**

14 **4. As used in this section, the term "source documents" means original or certified**
15 **copies, where applicable, of documents presented by an applicant as required under 6 CFR**
16 **37 to the department of revenue to apply for a driver's license or nondriver's license.**
17 **Source documents shall also include any documents required for the issuance, renewal, or**
18 **replacement of driver's licenses or nondriver's licenses by the department of revenue under**
19 **the provisions of this chapter or accompanying regulations.**

20 **5. The department of revenue shall create an in-house process for printing**
21 **concealed carry weapon endorsements, to be available upon the request of the applicant.**

22 **6. Any person harmed or damaged by any violation of section 302.065 may bring**
23 **a civil action for damages, including non-economic and punitive damages, as well as**
24 **injunctive relief, in the circuit court where that person resided at the time of the violation**

25 or in the circuit court or the circuit court of Cole County to recover such damages from the
26 department of revenue and any persons participating in such violation. Sovereign
27 immunity shall not be available as a defense for the department of revenue in such an
28 action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall
29 be entitled to recover reasonable attorney fees from the defendants.

571.500. No state agency or department, or contractor or agent working for the
2 state, shall construct, enable by providing or sharing records to, maintain, participate in,
3 or develop, or cooperate or enable the federal government in developing, a database or
4 record of the number or type of firearms, ammunition, or firearms accessories that an
5 individual possesses.

Section B. Because immediate action is necessary to protect the general public, the
2 repeal and reenactment of section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and the repeal and reenactment of section
5 A of this act shall be in full force and effect upon its passage and approval.

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